

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 RODNEY WAYNE JONES, CDCR #D-55894,	12 Plaintiff,	13 v. 14 STUART J. RYAN, et al., 15 Defendants.	16) Case No. 07-CV-1019-JMA 17) ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR AN ORDER COMPELLING DEFENDANTS TO COOPERATE IN DISCOVERY [Doc. 140]; 18) ORDER SETTING FORTH REMAINING BRIEFING SCHEDULE ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
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On July 28, 2010, the Court granted Plaintiff Rodney Wayne Jones's ("Plaintiff") ex parte request for permission to file a late motion for an order compelling Defendants to cooperate in discovery, and deemed Plaintiff's motion to compel filed as of that date. Doc. 141. The California Department of Corrections and Rehabilitation ("CDCR") Defendants (i.e., all defendants except Ronald Pegues ("Pegues"), who is represented by separate counsel) filed an opposition to the motion to compel on August 10, 2010. Doc. 143. Defendant Pegues did not file an opposition.

The Court finds this matter suitable for submission without oral argument pursuant to Local Civil Rule 7.1 d.1., and accordingly **DENIES** Plaintiff's request for oral argument. Further, **IT IS HEREBY ORDERED** that Plaintiff's motion to compel is

1 **GRANTED IN PART and DENIED IN PART**, as set forth in further detail below.

2 **A. Discovery Propounded Upon Defendant Pegues**

3 Plaintiff states that Defendant Pegues has refused to respond to any discovery.

4 See Pl.'s Mem. at 2-3, 5. According to the exhibits attached to Plaintiff's motion,
5 Plaintiff served interrogatories upon Pegues on August 24, 2009, requests for admission
6 on January 7, 2010, and requests for production of documents on January 31, 2010.

7 See Pl. Decl., Exs. A, F, & I. Pegues does not oppose Plaintiff's motion. Accordingly,

8 Plaintiff's motion to compel the production of discovery from Defendant Pegues is

9 **GRANTED**. Defendant Pegues shall serve his overdue responses, **without objection**,
10 to each of the sets of discovery referred to above by no later than August 27, 2010. At
11 the time he serves his responses, Pegues shall file a notice with the Court indicating
12 compliance with this Order. Copies of the proofs of service of the discovery responses
13 shall accompany the filed notice.

14 **B. Discovery Propounded Upon CDCR Defendants**

15 **1. Discovery Served After February 3, 2010**

16 The discovery cutoff in this matter was March 5, 2010. The Court issued no less
17 than three orders advising Plaintiff of this deadline. See Docs. 109, 124, 128. In its
18 April 22, 2010 Order, the Court ruled:

19 Plaintiff's request to file discovery motions in relation to discovery served
20 on August 24, 2009, January 7, 2010, January 31, 2010, February 4,
21 2010, and February 10, 2010 is **granted in part** and **denied in part**. In
22 view of the Court's previously-established deadline of March 5, 2010 for
23 the completion of all discovery (see Docs. 109, 124, 128), any discovery
24 served after February 3, 2010 is untimely pursuant to the Court's previous
25 scheduling orders, which required that "all discovery under Rules 30
filed in advance of the cutoff date, so that it may be
completed by the cutoff date, taking into account the times for service,
notice, and response as set forth in the Federal Rules of Civil Procedure."
See Docs. 109, 128. Therefore, the defendants need not respond to any
discovery served by Plaintiff after February 3, 2010, and Plaintiff shall not
file any discovery motions in relation to such discovery.

27 Apr. 22, 2010 Order [Doc. 135], ¶ 2. Therefore, in accordance with the Court's previous
28 order, Plaintiff's motion to compel responses to the following discovery is **DENIED** as

1 the discovery was untimely served: Requests for production of documents propounded
 2 upon Ochoa, Sandoval, Schommer, Zills, Wells, Mejia, Rodiles, Ortiz, Flores, Rangel,
 3 Martinez, Valenzuela (see Pl. Decl., Exs. K, L [served on February 4 and February 10,
 4 2010]) and interrogatories propounded upon Castaneda, Sandoval, Schommer, Wells,
 5 Zills, Rodiles, Ortiz, and Mejia (see id., Ex. M [served on February 10, 2010]).¹

6 **2. Other Discovery Served on the CDCR Defendants**

7 Plaintiff appears to contend that the CDCR Defendants provided “incomplete,
 8 evasive and inadequate” responses to the following discovery: (1) Interrogatory nos. 7,
 9 8, 13, 15, 19, 20, 23, and 25 served upon Jimenez; (2) Requests for admission nos. 9,
 10 14, and 16 served upon Ochoa; (3) Request for admission no. 14 served upon Mejia;
 11 and (4) Document requests served upon Stratton. See Pl.’s Mem. at 3; Pl. Decl., ¶¶ 5,
 12 8, 14, 15 & Exs. G, N, O.

13 Plaintiff does not provide any argument specifying the reasons the responses
 14 provided by Defendants to this discovery is inadequate, and thus has utterly failed to
 15 support his contentions. Plaintiff cannot expect to simply file copies of the discovery
 16 served and expect the Court to sift through it, find the alleged deficiencies, and make
 17 Plaintiff’s arguments for him. It is incumbent upon Plaintiff to provide the basis for his
 18 arguments. “It is not the job of this court to develop arguments for [the parties].” See,
 19 e.g., Fabriko Acquisition Corp. v. Prokos, 536 F.3d 605, 609 (7th Cir. 2008). Plaintiff’s
 20 motion to compel further responses to this discovery is accordingly **DENIED**.

21 **C. Motion for Summary Judgment**

22 On July 28, 2010, the Court, in view of the pendency of the instant motion to
 23 compel, vacated the August 20, 2010 hearing date and briefing schedule on the CDCR

25 ¹ Plaintiff should note that the CDCR Defendants’ March 23, 2010 request for
 26 supplemental discovery responses from him (see Pl. Decl., Ex. R) does not support his
 27 argument that Defendants “did not actually believe that serving discovery responses beyond
 28 the March 5, 2010 discovery cutoff date [was a justifiable ground] to deny Plaintiff” responses
 to his document requests and interrogatories. Pl.’s Mem. at 6. Defendants’ request for
 supplemental responses from Plaintiff pertained to discovery that *had been initiated a sufficient
 period of time in advance of the discovery cutoff date*, unlike the discovery served by Plaintiff
 on February 4, 2010 and February 10, 2010.

1 Defendants' motion for summary judgment and Defendant Pegues's joinder thereto, to
2 be reset at a later date. Notwithstanding the Court's order, Plaintiff filed an opposition to
3 the motion for summary judgment on August 11, 2010. Doc. 144.

4 If, after receiving Defendant Pegues's discovery responses, Plaintiff wishes to
5 supplement his opposition to the motion for summary judgment, he shall do so by no
6 later than September 24, 2010. Any reply to Plaintiff's opposition and/or supplemental
7 opposition shall be filed by no later than October 8, 2010. As of October 8, 2010, the
8 Court will, in its discretion, consider the motion for summary judgment as submitted on
9 the papers, and will issue its written opinion thereafter. See Civil Local Rules 7.1 d.1.
10 Unless otherwise ordered, no oral argument will be heard.

11 **D. Conclusion**

12 Plaintiff's motion to compel is **GRANTED IN PART** and **DENIED IN PART**.
13 Defendant Pegues shall serve his overdue responses to Plaintiff's interrogatories,
14 requests for admission, and requests for production of documents, **without objection**,
15 by no later than August 27, 2010. No further discovery responses are required from the
16 CDCR Defendants.

17 If Plaintiff wishes to supplement his opposition to Defendants' motion for
18 summary judgment after receiving Pegues's discovery responses, he shall do so by no
19 later than September 24, 2010. Any reply to Plaintiff's opposition and/or supplemental
20 opposition shall be filed by no later than October 8, 2010.

21 **IT IS SO ORDERED.**

22 DATED: August 13, 2010

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24 Jan M. Adler
U.S. Magistrate Judge
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